

## REMARKS

This is intended as a full and complete response to the Office Action dated August 1, 2003, having a shortened statutory period for response set to expire on November 1, 2003. Claims 1-4, 6-38, and 40-60 are pending in this application and are shown above. Claims 1-4, 6-38, and 40-60 were rejected by the Examiner. Claims 61-62 are presented to the Examiner for consideration. Reconsideration of the rejected claims is requested for reasons presented below.

Claims 4, 8, 11, 14, 21, 23, 25, 38, 42, 45, 48, 54, 56 and 60 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 4, 8, 11, 14, 21, 23, 25, 38, 42, 45, 48, 54, 56 and 60, are amended to correct matters of form. These amendments are not presented to distinguish a reference, thus, the claims as amended are entitled to a full range of equivalents if not previously amended to distinguish a reference.

Claims 1-4, 6-38, and 40-60 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 6,432,826. Applicant respectfully responds to this rejection. Applicants have enclosed a terminal disclaimer and respectfully request withdrawal of the rejection.

Claims 1-4, 6-20, 22-38, and 40-59 are rejected under 35. U.S.C. § 103(a) as being unpatentable over *Li et al.*, U.S. Patent No. 6,436,302. Applicant respectfully traverses the rejection.

*Li et al.*, and the present application were commonly owned by Applied Materials, Inc., at the time the invention of the present application was made as indicated by an enclosed statement of common ownership, and *Li et al.* is available as a reference only under the provisions of §102(e). Therefore, *Li et al.* is not prior art under the new §103(a) rule, which is applied to this Examiner's Office Action for Patent Application Serial No. 09/727,133. Withdrawal of the rejections based on *Li et al.* is respectfully requested.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a

detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the methods of the invention as claimed. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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